HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:17005 OF 2007

Dated:09.08.2007

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Between:

P. Srinivasa Rao

..Petitioner

And

1. The Superintendent of Post Offices,
   Machilipatnam Division, Machilipatnam and others.

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:17005 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to set aside the order, dated 13.7.2007 passed in O.A.No.221 of 2006 by the Central Administrative Tribunal, Hyderabad.

The petitioner herein is the applicant before the Tribunal. He filed the O.A., seeking to call for the records pertaining to the service rendered by the applicant with effect from 2.5.2001 till date as Contingent Jeep Driver and declare that the applicant is entitled to be considered for regularization in view of the long service put in as Jeep Driver in the office of the 1st respondent and to set aside the notification No. BI/Contingent Staff/99, dated 19.1.2006 of the 1st respondent and to direct the 1st respondent to continue the applicant to work as Contingent Jeep Driver by duly regularizing his service, keeping in view the contingent service rendered by the applicant for several years with all consequential benefits.

The tribunal having observed that the applicant has no claim for regularization of his service and he was disengaged and 4th respondent was engaged in his place and now, the respondents have taken a policy decision to engage only GDS as stop gap measure and they are going to fill up the post on regular basis and the applicant can apply for the said post as and when notification is issued by the respondents, dismissed the O.A. Having aggrieved by the same, the present writ petition is preferred by the applicant.

It is contended by the learned Counsel for the petitioner-applicant that even though the petitioner-applicant is not entitled for the relief sought for, but there is no embargo for the respondents to continue the petitioner-applicant as contingent jeep driver till the vacancy is filled up as per the recruitment rules.

The affidavit filed in support of the petition goes to show that the petitioner-applicant was appointed as contingent jeep driver with effect from 1.6.2001 and he had been continuously engaged till date.

By taking into consideration of the submission made by the learned Counsel for the petitioner-applicant as well as the service rendered by the applicant, without expressing any opinion on the merits of the case, We feel it just and proper to direct the respondents to continue the petitioner-applicant as contingent jeep driver, if he is working as on today, till the post is filled up as per the recruitment rules.

With the above observation, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 9th August, 2007

Note:
Issue C.C. in one week.
(BO)
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:17005 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

9/08/2007